IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 30044 of 2007(B)

PETITIONER:

E.A. GEORGE,S/O. ABRAHAM,
EDINJUKUZHIYIL HOUSE,KOOTHATTUKULAM
ERNAKULAM

BY ADV. SRI.C.HARIKUMAR
SRI.VIZZY GEORGE KOKKAT
SRI.ARAVINDA KUMAR BABU T.K.

RESPONDENTS:
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1. STATE OF KERALA
REPRESENTED BY SECRETARY
PUBLIC WORKS DEPARTMENT, GOVT. SECRETARIAT
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR ERNAKULAM
CIVIL STATION, KAKKANAD.

3. EXECUTIVE ENGINEER,
KSTP DIVISION, MUVATTUPUZHA.

BY G.P. SHRI BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

W.P.(C) No.30044 of 2007 B

Dated, this the 31st day of October, 2007

JUDGMENT

The prayer in this Writ Petition is to issue a writ of mandamus to the respondents to acquire the remaining portion of the building belonged to the petitioner. A portion of the building was acquired for a public purpose. Award was passed. Petitioner received the compensation. Thereafter he filed a petition before the third respondent with a prayer to acquire the remaining portion of the building. Section 49(1) of the Land Acquisition Act enjoins that such a request has to be made before passing the award. So the prayer in this Writ Petition cannot be allowed.

In the result, Writ Petition is dismissed.

K. PADMANABHAN NAIR,
JUDGE.

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